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Attorneys for Defendants CITY AND COUNTY OF SAN  
FRANCISCO and CITY OF SAN FRANCISCO UPTOWN  
PARKING CORPORATION, a California Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CRAIG YATES,

Plaintiff,

v.

UNION SQUARE; CITY AND COUNTY OF  
SAN FRANCISCO, CITY OF SAN  
FRANCISCO UPTOWN PARKING  
CORPORATION; EMPORIO RULLI IL  
CAFFE UNION SQ.; EMPORIO RULLI IL  
CAFFE UNION SQ., INC.; and DOES 1  
through 50, Inclusive,

Defendants.

CASE NO. C074087EDI

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION FOR THE COURT  
TO DECLINE SUPPLEMENTAL  
JURISDICTION OVER AND TO DISMISS  
PLAINTIFF'S STATE LAW CLAIMS [28  
U.S.C. § 1367(c)] AND TO STRIKE  
PLAINTIFF'S UNSUPPORTED AND  
IMPROPER DAMAGE PRAYERS FROM  
THE COMPLAINT [FRCP 12(f)]**

**Accompanying Papers:** Notice of Motion;  
Memorandum of Points and Authorities;  
(Proposed) Order

Date: November 6, 2007  
Time: 9:00 a.m.  
Dept: Crtrm. E  
Judge: The Hon. Elizabeth D. Laporte

Complaint filed: August 9, 2007  
Trial date: none set

Pursuant to Federal Rule of Evidence 201, Defendants City and County of San  
Francisco ("CCSF") and City of San Francisco Uptown Parking Corporation, a California  
corporation ("Uptown") (collectively, "Moving Parties") hereby submit the following Request for  
Judicial Notice in Support of Motion for the Court to Decline Supplemental Jurisdiction Over and to  
Dismiss Plaintiff's State Law Claims [28 U.S.C. § 1367(c)] and to Strike Plaintiff's Unsupported

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and Improper Damage Prayers from the Complaint [FRCP 12(f)]:

1. Moving Parties hereby request the Court take judicial notice of the January 17, 2007, denial of the California Supreme Court of the petition for review of plaintiff/appellant David Gunther of the decision of Gunther v. Lin, 144 Cal.App.4th 223 (4th Dist. 2006). Attached hereto as **Exhibit A** is a true and correct copy of the online register of actions for this petition.

2. Moving Parties hereby request this Court take judicial notice of the decision of the United States District Court for the Southern District of California in Cross v. Pacific Coast Plaza Invest., No. 06CV2543 JM(RBB) (SD Cal. Mar. 6, 2007), a true and correct copy of which is attached hereto as **Exhibit B**.

3. Moving Parties hereby request this Court take judicial notice of the March 22, 2007 decision of the United States District Court for the Eastern District of California in Wilson v. Haria and Gogri Corp., 2007 WL 851744 (ED Cal. 2007), a true and correct copy of which is attached hereto as **Exhibit C**.

4. Moving Parties hereby request this Court take judicial notice of the May 29, 2007 decision of the United States District Court for the Southern District of California in Cross v. Boston Market Corp., 07CV486J(LSP), a true and correct copy of which is attached hereto as **Exhibit D**.

DATED: September 28, 2007

JEFFER, MANGELS, BUTLER & MARMARO LLP  
MARTIN H. ORLICK  
MATTHEW S. KENEFICK

By: /s/ Martin H. Orlick  
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Attorneys for Defendant CITY AND COUNTY OF  
SAN FRANCISCO AND CITY OF SAN  
FRANCISCO UPTOWN PARKING  
CORPORATION, a California corporation